(4) (2)

CIVIL SIDE

CF 10L

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 02 /2006 7

PETITIONER
Non-Applicant No.2

Bhuvanlal Sinha S/o Shri Guhled Ram aged about 54 years, R/o Bathena, Jail Road, Dhamtari, Town, Tahsil and District Dhamtari, (C.G.) Occupation- Sapna Electricals, Opposite Bus Stand, Dhamtari (C.G.)

P.R. No. 7948/06 Presented by Shri Anupam Dubey Dated 31/12/06

VERSUS

RESPONDENTS
Applicant

1) Gopal Krishna Bagde, Aged about 50 Years, S/o Shri Harishankar Bagde, R/o Amlipara, Post-Chanagao, Thana-Arjuni, Tahsil-Nagri, District Dhamtari (C.G.)

Non-Applicant No.1

2) Prafulla Kumar Mandavi, Aged about 30 Years, S/o Shri Ankalu Ram, Occupation – business of Tap Boaring, R/o Village Devi Nawagaon, Thana- Naharpur, Tahsil and District Kanker (C.G.)

Non-Applicant No.3

3) Chhattisgarh State Electricity Board, Through –Executive Director, Dangania Office, Raipur Town Tahsil and District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-78

(29)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक .W.P.(L)..02/... **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22.01.2007

Shri S.S.Rajput, counsel for the petitioner.

Heard.

This petition is directed against the order dated 20.09.2006 passed by the Commissioner for Workmen's Compensation, Labour Court, Raipur in Case No. 275/2002-W.C. Act (Fatal) whereby the tribunal has allowed the application of the respondent under Section151 of the CPC and reviewed its own order by which it gave opportunity to adduce evidence and a last opportunity was given to the respondent to adduce evidence of its claim.

Learned counsel for the petitioner submits that the tribunal has no jurisdiction to review its own order. Since discretion was already exercised by the tribunal earlier and opportunity of adducing evidence was closed on the earlier date the order impugned could not have been passed and the same was without jurisdiction.

From the pleadings in the petition it appears that the matter was posted for recording of claimants' evidence on 19.09.2005 and on that date tribunal closed the right of claimant to adduce evidence. Subsequently the application preferred under Section 151 of the CPC dated 25.08.2006 was allowed on 20.09.2006 by the impugned order and the respondent was given last opportunity to adduce evidence.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.(L)....62/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have heard counsel for the petitioner.

The petitioner has not filed the order of the tribunal by which right of respondent to adduce evidence was closed. Nevertheless considering the fact that to allow opportunity of adducing evidence to a party is within the jurisdiction of the concerned tribunal. Further considering that the tribunal has given last opportunity of adducing evidence to the claimant so that the matter may be decided on merits this Court is of the opinion that there is no procedural illegality committed by the tribunal which calls for interference under Article 227 of the Constitution of India. With the aforesaid observation the petition is devoid of substance and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

P.T.O.

01.02.07